

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 22, California Code of Regulations

Adopt sections: 63750.80

Amend sections: 63850

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2017-1109-02

OAL Matter Type: Emergency (E)

The State Water Resources Control Board submitted this deemed emergency action to adopt a definition of "State Water Board" in California Code of Regulations, title 22, section 63750.80 and to amend the certification fee schedule for the Drinking Water Operator Certification Program in California Code of Regulations, title 22, section 63850.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code. This emergency regulatory action is effective on 11/16/2017.

Date: November 16, 2017

Richard L. Smith

**Richard L. Smith
Senior Attorney**

**For: Debra M. Cornez
Director**

Original: Eileen Sobeck

Copy: Alice Webber

NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on
reverse

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2017-1109-02E	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

 NOV 16 2017
 1:56 P.M.

 2017 NOV -9 A 9:27
 OFFICE OF
 ADMINISTRATIVE LAW

NOTICE

REGULATIONS

 AGENCY WITH RULEMAKING AUTHORITY
 State Water Resources Control Board

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Drinking Water Operator Certification Fees	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT Title 22, Division 4, Chapter 13, Article 17 Section 63750.80
	AMEND Title 22, Division 4, Chapter 13, Article 57 Section 63850
	REPEAL per agency request
TITLE(S) CCR Title 22	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) Health & Saf. Code sec. 106890(d)(2)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Alice Webber	TELEPHONE NUMBER (916) 449-5642	FAX NUMBER (Optional) (916) 449-5654	E-MAIL ADDRESS (Optional) alice.webber@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 10/30/17
TYPED NAME AND TITLE OF SIGNATORY Eileen Sobek, Executive Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 16 2017

Office of Administrative Law

**Proposed Amendments
to the
California Code of Regulations
Title 22. Social Security
Division 4. Environmental Health
Chapter 13. Operator Certification**

PROPOSED AMENDMENTS

**SEPTEMBER 2017
State Water Resources Control Board
Division of Financial Assistance**

The proposed changes: insertions shown as underline and deletions shown as ~~strike through~~.

**TITLE 22. SOCIAL SECURITY
DIVISION 4. ENVIRONMENTAL HEALTH
CHAPTER 13. OPERATOR CERTIFICATION**

Article 1. Definitions

§ 63750.80. State Water Board.

"State Water Board" means the State Water Resources Control Board.

Authority Cited: Sections 106910, Health and Safety Code.

Reference: Sections 106910, Health and Safety Code.

Article 5. Certification Renewals, Delinquent Renewals and Fees

§ 63850. Fees.

~~(a) Except as provided in subsection (e), payment of the fees specified in this section shall be made by a separate check or money order for each operator. The operator's name, and in the case of renewals, the operator's certificate number, shall be written on the check or money order.~~

~~(b)~~ (a) All fees submitted to the Department State Water Board pursuant to this section are nonrefundable.

~~(c) Operator fees shall be pursuant to Table 63850-A.~~

(b) Application fees for an examination are set forth below in Table 63850-A:

Table 63850-A. Operator Examination Fee Schedule

<i>Grade</i>	<i>Examination Fee (\$)</i>	<i>Reexamination Fee (\$)</i>	<i>Certification Fee (\$)</i>	<i>Triennial Renewal Fee (\$)</i>
D1 or T1	\$50	\$30	70	70
D2 or T2	\$65	\$45	80	80
D3 or T3	\$100	\$70	120	120
D4 or T4	\$130	\$95	140	140
D5 or T5	\$155	\$120	140	140

(c) Except as provided in subdivision (d), certification fees are set forth below in Table 63850-B:

Table 63850-B. Fee Schedule for Operators With a Single Certificate

<i>Grade</i>	<i>Certification Fee</i>	<i>Triennial Renewal Fee</i>
D1 or T1	\$70	\$70
D2 or T2	\$80	\$80
D3 or T3	\$120	\$120

D4 or T4	\$140	\$140
D5 or T5	\$140	\$140

- (d) ~~Operators who are certified or have been notified by the Department that they have met requirements for certification as both treatment and distribution operators shall pay the certification and renewal fees specified in Table 63850-B for each certificate.~~
Notwithstanding subdivision (c), the certification fees for those operators who are applying for, or hold, two or more valid, unexpired certifications issued by the State Water Board as a water treatment operator, distribution operator, or wastewater treatment plant operator are set forth below in Table 63850-C:

~~Table 63850-B~~ 63850-C. Fee Schedule for Operators With Multiple Certificates

<i>Grade</i>	<i>Certification Fee (\$) per Certificate</i>	<i>Triennial Renewal Fee (\$) per Certificate</i>
D1 or T1	\$55	\$55
D2 or T2	\$60	\$60
D3 or T3	\$90	\$90
D4 or T4	\$105	\$105
D5 or T5	\$105	\$105

- (e) ~~The fee schedule for interim distribution operator certification is in Table 63850-C. The fees specified in this subsection may be paid by a single check or money order for all operators included in the application.~~

~~Table 63850-C~~. Interim Operator Fee Schedule

<i>Grade</i>	<i>Certification Fee (\$)</i>	<i>Triennial Renewal Fee (\$)</i>
D1	70	70
D2	80	80
D3	120	120
D4	140	140
D5	140	140

- (f) ~~The fee schedule for distribution operators holding valid CNAWWA certificates pursuant to 63850(b) is in Table 63850-D.~~

~~Table 63850-D~~. CNAWWA Certification Fees

<i>CNAWWA Grade</i>	<i>Biennial Renewal Fee Due in 2001—valid for two years</i>
1	80
2	100
3	120
4	120

- (g) ~~(e)~~ A penalty fee of \$50 shall be paid for renewals submitted or resubmitted after the renewal due date but at least 45 days prior to the expiration date. A penalty fee of \$100 shall be paid

for renewals submitted or resubmitted less than 45 days prior to the expiration date but within 1 year after the expiration date.

~~(h)~~ (f) A certificate replacement fee of \$25 shall be paid by any certificate holder requesting to have a lost, stolen, or destroyed certificate replaced.

Authority Cited: Sections 400275 106890 and 106910, Health and Safety Code.

Reference: Sections 106890 and 106910, Health and Safety Code.